



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ann M. Lees et al.  
Serial No. : 10/023,529  
Filed : December 17, 2001  
Title : NOVEL LOW DENSITY LIPOPROTEIN BINDING PROTEINS AND THEIR  
USE IN DIAGNOSING AND TREATING ATHEROSCLEROSIS

Art Unit : 1653  
Examiner : R. Mitra

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement dated April 7, 2004, applicants elect the invention of Group III, drawn to the embodiment of claims 48-52, 59-61, 71-74, 76, 78, and 82-84. The election is made with traverse.

The claims of the application have been divided into five separate restriction groups. For the reasons provided below, applicants respectfully request that the claims of Group II be examined together with the claims of Group III in the present application.

The pending claims are directed to a novel LDL-binding polypeptide ("LBP") termed LBP-3. Both human and rabbit LBP-3 sequences are recited in the claims. Groups II and III (SEQ ID Nos 8 and 44) are directed to human LBP-3 sequences. Groups I, IV, and V (SEQ ID Nos 5, 29, and 41) are directed to non-elected rabbit LBP-3 sequences.

Human LBP-3 is described in SEQ ID NO:44 (full length polypeptide) and SEQ ID NO:8 (amino acids 17-546 of human LBP-3). The human LBP-3 polypeptide of SEQ ID NO:8 is a fragment of the elected SEQ ID NO:44, and differs from SEQ ID NO:44 at a single amino acid position (SEQ ID NO:44 has an Asn at position 130, whereas SEQ ID NO:8 has a Tyr at the corresponding position).

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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May 3, 2004

Carol Tyrrell

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Attorney's Docket No.: 10797-004003

Because of the extremely high sequence relatedness between SEQ ID NO:44 and SEQ ID NO:8, applicants submit that prosecution will be facilitated by the simultaneous examination both of these human LBP-3 polypeptides. Because SEQ ID NO:8 is a fragment of SEQ ID NO:44, the issues raised during the course of prosecution of the human LBP-3 sequences are expected to be similar and simultaneous examination is therefore not expected to be unduly burdensome. In light of these comments, applicants respectfully request that the Examiner examine the human LBP-3 polypeptides of both Groups II and III.

Please apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 10797-004003.

Respectfully submitted,

Date: May 3, 2004

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